

## **Appendix 1 - Native American Consultation and Coordination**

The tribes contacted were all those which have tribal lands in the state of Wisconsin identified on the "Indian Tribes 1992" map published by the U.S. Geological Survey. One tribe from Michigan was contacted because its lands lie adjacent to Wisconsin. The State Historical Society of Wisconsin also provided a list of names of tribal historic preservation officers, repatriation representatives and tribal chairmen that should be contacted as required by the National Historic Preservation Act of 1966, as amended, and the National Environmental Policy Act of 1969.

In all, thirteen tribes received letters from BLM requesting information regarding their knowledge of cultural resources important to the tribes. These letters were followed-up by telephone calls to the addressees. Some of these contacts recommended other people who should receive the letters as well. BLM also sent these individuals copies of the letters.

All of the contacts requested that BLM continue to send information regarding the plan and disposition of the properties.

## **Appendix 2 - Legal Descriptions of Affected Properties**

The parcels included in the proposed plan are legally described as follows:

### **Bayfield County**

*Perry Lake* (Town of Cable)

Township 43 North, Range 7 West, Section 17, Lot 11; 16.27 acres.

*Lake Osborn* (Town of Grandview)

Township 45 North, Range 6 West, Section 33, Lots 8-12; 62.3 acres.

### **Door County**

*Cana Island Lighthouse* (Town of Baileys Harbor)

Township 30 North, Range 28 East, Section 11, Tract 37; 9.06 acres.

*Eagle Bluff Lighthouse* (Town of Gibraltar)

Township 31 North, Range 27 East, Section 17, NW Fractional Corner; 1.0 acre.

*Pilot Island Lighthouse* (Town of Washington)

Township 32 North, Range 29 East, Section 1, NENW; 3.2 acres.

*Plum Island Lighthouse* (Town of Washington)

Township 33 North, Range 29 East, Section 26, Lots 1&2; Section 27, Lots 1, 2, and 3; 325 acres.

### **Langlade County**

*Lower Bass Lake* (Town of Upham)

Township 33 North, Range 10 East, Section 25, Lot 17; 1.18 acres.

### **Oneida County**

*Lily Lake* (Town of Crescent)

Township 36 North, Range 8 East, Section 22, Lot 12; 32.47 acres.

### **Vilas County**

*Big Lake* (Town of Presque Isle)

Township 43 North, Range 6 East, Section 33, Lots 7 and 8; 56.23 acres.

*Pickerel Lake* (Town of Cloverland)

Township 40 North, Range 9 East Section 4, Lots 8 and 9; 63.66 acres.

### **Waupaca County**

*Clintonville* (Town of Matteson)

Township 25 North, Range 15 East, Section 2 SW $\frac{1}{4}$ NE $\frac{1}{4}$ ; 40 acres.

**Total 610.37 acres.**

## **Appendix 3 - Disposal Criteria from 1985 Wisconsin RMP**

(verbatim)

### **1. Disposal Criteria**

All BLM surface tracts are categorized for disposal and will be evaluated on a tract-by-tract basis against the following set of criteria:

- a. Where possible, the preferred method of disposal will be by transfer to another public agency or non-profit body. (The exception would be in cases where an applicant fails to acquire a parcel under the Color-of-Title Act and wishes to purchase the land under a FLPMA sale.)
- b. Where site-specific analysis reveals no interest by another public or non-profit body, BLM tracts may be offered through sale or exchange to a private body. Tracts will be retained under BLM administration only where management and no other public or non-profit body is available or willing to assume jurisdiction. Preference for sale or transfer may be readjusted based on policy changes, as well as on site-specific analysis. If additional BLM surface tracts are discovered in the future, they will also be evaluated and categorized for disposal, through the RMP amendment process.

### **2. Implementation Actions**

The following actions will be necessary to implement this alternative:

- a. Subsequent to plan approval, each tract (or related groups of tracts) will be evaluated for an on-site inspection and evaluation of renewable resource values and uses, resolution of occupancy or title conflict situations if any, and potential transfer or sale. Sale terms and deed restrictions, if necessary, will reference applicable local or State land use requirements.
- b. Any unauthorized use (occupancy), color-of-title or title conflict situation will have to be resolved prior to any other implementing action.
- c. A land report will be prepared for each tract to present findings and recommend a preferred transfer option. The various transfer options available include:
  - Recreation and Public Purposes Act lease or sale;
  - Withdrawal on behalf of another Federal agency;
  - Exchange between another Federal agency and a third party (private, state or local government);
  - Color-of-title claimants who satisfy the requirements of the color-of-title act; and

Public sale (under Sec. 203, FLPMA).

- d. A site-specific environmental analysis will be prepared for each tract (or related groups of tracts) to evaluate the potential effects of the preferred transfer option and reasonable alternatives. Copies of the environmental analyses will be made available to interested parties on a request basis.
- e. Prior to any transfer, a Notice of Realty Action will be published in the Federal Register and general circulation newspapers to provide public notice and opportunity to comment on the action.

3. Retention Criteria

Areas where disposal of the surface would unnecessarily interfere with the logical development of the mineral estate, e.g., surface minerals, coal, phosphate, known geologic structures, etc.

Public lands withdrawn by BLM or another Federal agency for which the purpose of the withdrawal remains valid.

## Appendix 4 - Summary of Comments and Responses on Draft RMP

In accordance with BLM's planning regulations and the National Environmental Policy Act (NEPA), the public was given 60 days in which to comment on the draft plan amendment. The purpose of the comment period was to give the public and other governmental and non-governmental organizations the opportunity to suggest modifications to the alternatives, to supplement, improve or modify the analyses contained in the plan, and to make factual corrections.

The NEPA regulations at 40 CFR 1503.4(b) apply to environmental impact statements require that Federal agencies respond to all *substantive* comments made on the draft. Personal preferences for individual alternatives or outcomes are not considered substantive, although they are forwarded to decision makers prior to making final decisions about the parcels.

The following section summarizes these comments and gives BLM's responses. It includes general comments on the plan and our responses; comments related to individual tracts; and specific comments. We note if we have changed the language in the document, or if not why we did not. The comment and the response summary is organized by page number from the draft plan, so refer to it to follow the discussion.

### Comments Related to a Specific Issue or Parcel

**Requests to purchase Federal land:** Several requests were made about how to buy specific tracts of land, including the lighthouse properties.

Response 1: Public land sales could be authorized under *Alternative One - Transfer from BLM Administration* under very specific circumstances, which are outlined in the disposal criteria. There is little likelihood, however, that any tracts will be offered to the general public, other than adjacent landowners. See Alternative One and parcel-specific information in the plan. It is more likely that the lands will be transferred to other Federal, state or local agencies, non-profit organizations or sold to adjacent property owners.

**Protection of cultural and natural resources prior to disposal of lighthouse properties:** Until the parcels are conveyed to permanent land managers, sensitive resources will continue to be at risk. The plan does not mention any interim measures for the island properties. BLM should consider how to expedite the planning process to convey the parcels in order to minimize impacts to these sensitive resources.

Response 2: We are cognizant of the risks to sensitive resources pending final disposition and transfer of the lighthouse properties. At this time, we are aware of several somewhat divergent views on the best management options for lighthouses.

Because the NEPA process is open and inclusive, one of the biggest challenges will be to address all interested parties' concerns for the future of the islands. As some parties' interests may conflict with others, it will no doubt take time to resolve these conflicts.

The island properties will remain under the jurisdiction of the U.S. Coast Guard until the current withdrawals are revoked. BLM has expedited its planning for these properties and will continue to work with all interested parties to ensure that land transfers occur as expeditiously as possible. BLM will begin to solicit for applications for the properties shortly after this plan is approved. We cannot estimate how much time it will take to complete the environmental assessments for the parcels.

### **Comments Concerning Cana Island**

**Comment.** Several parties raised concerns about the future management of the Cana Island lighthouse. These comments echoed earlier concerns regarding the impacts on the neighborhood of continued public use of and access to the lighthouse. It was further noted that transportation to and from the lighthouse would need to be designed in such a way as to minimize impacts to the neighborhood and home values.

**Response 3:** The plan notes that any applications filed for Cana Island contain a plan for dealing with public access to the island. We called it a transportation plan, which we envision will outline how the problems associated with traffic and parking along Cana Island Road can be eased.

**Comment.** It was also requested that any instrument of transfer contain a provision to allow BLM to "reclaim" the island if the land is not managed according to BLM's plan.

**Response 4:** If the island is transferred under the Recreation and Public Purposes Act (R+PP), the recipient of the property will need to file and receive approval from BLM on a development plan for how the land is to be managed. All R+PP patents contain a reversionary clause which allows BLM to revoke the patent if the land is not managed in accordance with the terms of the development plan. The development plan will include a discussion of all aspects of the management of the island including how future management will affect the surrounding properties. Analysis of these so-called *off-site impacts* is a requirement of the National Environmental Policy Act.

### **Comments Concerning Plum Island**

The future management of Plum Island generated several comments on how best to protect or to develop or protect the island's resources. Some individuals wanted BLM to transfer the island to a specific agency, while others voiced concerns about the natural, historic or cultural resources.

Response 5: Plum Island has various resources, each championed by a different group. The island's scenic beauty and natural setting would make it an attractive camping site. The lighthouse and associated buildings make it valuable to historic preservationists and heritage tourists. Cultural resources make the island important for archaeologists and anthropologists, and Native American tribes. The island is also home to endangered species and rare natural communities. In other words, Plum Island is a cornucopia of valued resources, all of which are supported by sincere and dedicated stakeholder groups.

However, it is claimed by some that to protect any one these resource values is to destroy another. For example, some people believe that protection of endangered species should be our foremost concern and that intensive development and use of the island would be incompatible. If only a limited number of people were allowed on the island, on the other hand, it may be impossible for a historic preservation group to create a sufficient revenue stream to restore and maintain the lighthouse. Conversely, some people have opined that the creation of a state park on the island would be incompatible with cultural resource protection.

BLM's mandate is to manage the public lands under multiple use and sustained yield principles and in a manner that will protect the quality of scientific, scenic, historical, ecological, water resource, archaeological and other values (FLPMA, 43 U.S.C. 1701 *et seq.*). Where appropriate, BLM will preserve and protect certain public lands in their natural condition or will provide food and habitat for fish and wildlife, and will provide opportunities for outdoor recreation. All of these choices will be evaluated in the site-specific environmental assessment for the island.

### **Comments Specific to a Page**

**Page 2, paragraph 2:** Fisheries is a natural resource important to Cana Island.

Response 6: So noted.

**Page 4, Disposal Criteria #1:** The current leases [sic] to non-profit groups should be included as an appendix to the plan.

Response 7: We are aware of only one current lease between the U.S. Coast Guard and the Door County Maritime Museum. The BLM is not a party to this lease, nor did we review its provisions prior to it being signed by the parties. The lease is available from the U.S. Coast Guard or directly from the Museum.

**Page 4, Disposal Criteria #2:** This criterion should mention fisheries for Cana Island.

Response 8: The intent of this criterion is to identify BLM's obligations to coordinate its activities and consult with other agencies prior to taking final action on the disposition of the properties. It is not a list of all the resources found on or

adjacent to the affected lands. The Lake Michigan fishery is an important resource and potential impacts to it will be considered in our site-specific analysis for each tract. We are not aware of any threatened or endangered fish population in the waters adjacent to Cana Island and the U.S. Fish and Wildlife Service has not notified us of any fish specie which is.

**Page 4, #5:** The schedule for the Coast Guard clean up should be included.

Response 9: The Coast Guard has indicated to BLM that it will clean up Cana Island during the Federal fiscal year 2001 (October 1, 2000, through September 30, 2001.)

**Page 4, #3, paragraph 2:** Change wording from “BLM will require a plan to **reduce** the need for parking” to “require a plan to **address** the need for local parking” [emphasis in original].

Response 10: It is true that, until the transportation plan and site-specific environmental assessment are completed, we will not know to what extent, if any, parking should be reduced along the road. Nevertheless, the number of vehicles which park along the road poses public safety concerns that we hope will be addressed in the transportation plan.

Comment: Provide a clearer definition of “local community” as to who BLM will be working with to ensure continued access to Cana Island.

Response 11: The National Environmental Policy Act of 1969 (NEPA) regulations (40 CFR 1500 et seq.) require that BLM conduct an open process when formulating alternatives for managing the public lands. We anticipate having the same people and groups which have so far been involved in the planning process when we evaluate site-specific proposals for the island. As we focus our efforts on Cana Island, it may be that this stakeholder group will change.

**Page 6, under Resource Objectives:** Expand objective “Preserve historic resources” to include interpretation.

Response 12: We agree and have noted the change.

**Page 6, under Procedural Requirement:** Change wording from “Transportation/access plan” to “Parking/access plan.”

Response 13: We believe that access to Cana Island is the primary issue relating to the property and as such there will need to be a complete analysis of how visitors travel to and from the island. The term “Transportation Plan” was used to ensure that all available options are evaluated when developing a long-term solution to the issues surrounding the island and its environs. Mitigation of impacts to the surrounding neighborhood will require more than resolution of the parking issue but will involve a more complex analysis of transportation alternatives.



**Page 6, Resource Objectives (Cana Island):** “Minimize impact to fisheries” is shown, but there is no other reference to fisheries anywhere else in the document.

Response 14: We have included a list of fish species which inhabit the Lake Michigan and Green Bay waters near the lighthouse properties.

**Page 8:** The U.S. Fish and Wildlife Service has provided grants to the Wisconsin DNR to purchase rocky shore line near Cana Island to protect Whitefish spawning grounds.

Response 15: So noted.

**Page 8:** The plan does not mention that the U.S. Fish and Wildlife Service manages three islands within the vicinity lands affected by the plan.

Response 16: We have added this information to the proposed plan.

**Page 9, paragraph 2, under State Agencies:** Plan should reflect that Cana Island is already listed on the National Register of Historic Places.

Response 17: All four of the Door County lighthouses are currently listed on the National Register (see pages 26-28 of draft plan). Future studies will evaluate how best to protect the listed structures, whether additional buildings are eligible and if any of the islands should be included in historic districts. We will continue to work with the State Historical Society of Wisconsin, as well as Native American Tribes, to identify the resource values that may make the properties eligible for listing.

**Page 11:** The plan does not identify BLM’s “preferred alternative” as required by the National Environmental Policy Act regulations.

Response 18: The Council on Environmental Quality regulations do not require agencies to identify a preferred alternative in environmental assessments. The plan identified available options, but did not choose a preferred alternative because we believe one cannot be chosen until site-specific analyses are conducted for each parcel.

**Pages 11 and 33:** The plan states that details on the disposition of each property are to be presented in a separate “impact assessments” [sic] or in-depth environmental assessments. Will these plans include a range of alternatives and will these development alternatives be based on competing applications received from interested parties at some unspecified time in the future? What is the expected time-frame to complete these plans?

Response 19: The plan states that final disposition will be based on site-specific environmental assessments prepared under the National Environmental Policy Act. BLM will solicit applications from interested parties in accordance with the

regulations of the type of conveyance (Federal Land Policy and Management Act sales and withdrawals, and Recreation and Public Purpose Act sales and leases). Each application will be weighed against the disposal criteria identified in the Wisconsin Resource Management Plan Amendment and site-specific environmental impacts. All applicable consultations and public involvement actions will take place at that time and prior to a decision regarding disposal.

There is no time-frame to implement the plan because of unknown factors such as budget and the time it takes to conduct site-specific studies and consultations. We have included in Appendix 5 a general sequence of events which outlines the process for implementing the plan.

**Page 14, Item 1:** The site-specific analyses should include fisheries for Cana Island.

Response 20: If the site-specific EA reveals that fisheries could be affected by a proposed use or an alternative, we will include a discussion on these impacts and address mitigation to reduce the impact.

**Page 15, Item 4:** All of the islands have riparian areas and should therefore be discussed.

Response 21: Delineation of and potential impacts to riparian areas on and surrounding all of the properties will be discussed in the site-specific EAs.

**Page 15, Methods of Transfer (Recreation and Public Purposes Act Transfers):** The limits on recreation should be given.

Response 22: The draft plan outlines the issues to be covered in site-specific EAs. It also describes the procedures that will be followed when BLM reviews site-specific proposals. Therefore, no limits on use were set in the plan. It may be that in our review of the specific applications, certain impacts will occur that will result in setting of use limits on a particular tract.

**Page 22, Water Resources:** Emphasize Lake Michigan fisheries for Cana Island.

Response 23: The National Environmental Policy Act requires an analysis of the potential impacts that can be reasonably expected to occur by the implementation of any of the alternatives. We found no information, nor was any provided, which indicates that on-shore activities generally anticipated by the plan would reasonably affect Lake Michigan fisheries. If we determine that any proposed activities could potentially affect fisheries we will include an analysis of the impacts in the EA.

**Page 23, Wetlands/Riparian Resources:** Add a discussion on riparian resources with a special reference to fisheries and Cana Island.

Response 24: See response 23.

**Page 26, paragraph 4:** The approximate length of the causeway should be given. Also ownership – the State of Wisconsin – should be noted.

Response 25: The causeway is 500 feet long and it is State-owned bottomland.

**Page 26, paragraph 7:** The number cited for visitors to Cana Island is “probably” only those visitors who paid admission and may not include those who drove up to the causeway and parked but did not go to the island.

Response 26: The number of visitors for the 1999 season was provided by the Door County Maritime Museum. We have no information regarding how many others may have only driven to the turnaround to look at the island or went to it after hours.

**Pages 26 and 28:** The federally-threatened dwarf lake iris (*Iris lacustris*) is incorrectly listed as occurring on Cana Island but not on Plum Island.

Response 27: The information cited in the plan was provided by the Wisconsin Department of Natural Resources, Bureau of Endangered Resources (BER). The BER notes its observation dates for these plants (the most recent being in 1998). The U.S. Fish and Wildlife Service notes that the iris is not found on the island. (Anecdotal information suggests that the iris is found in great numbers along Cana Island Road.)

We included this list of plants to disclose to BLM decision makers and the public that threatened and endangered plant and animal species *are known to exist on or near* the affected properties. Knowing that the habitat is suitable for sensitive species may help analyze potential impacts under proposed and alternate plans for the tract.

**Page 28:** It should be noted that Plum Island hosts a historic, but currently inactive, bald eagle nest.

Response 28: So noted. BLM will enter into a Section 7 of the Endangered Species Act consultation prior to any action that may affect listed or eligible threatened or endangered species.

**Page 34, paragraph 2:** The paragraph should be rewritten to reflect the reality that thousands of tourists visit Cana Island and not that the operation is “low-profile.”

Response 29: We agree that visitation to the island may not be “low-profile.” The activity taking place at Cana Island may be better described as non-intensive in that no entity can make long-term plans for the property until the question of permanent ownership is resolved.

**Page 34, paragraph 3:** Why did BLM list only one alternative (off-site parking) for Cana Island? The implication is that all prospective landowners will have to limit their alternatives to an off-site transportation system.

Response 30: This section discusses general impacts based on the broad outlines of the alternatives and requirements of the disposal criteria. It was not intended to be a comprehensive list of possible outcomes.

**Page 36, paragraph 3**: If tourism would be lower under the “no action” alternative, why would traffic and parking problems continue at their present levels?

Response 31: It should also be noted that this alternative is required by NEPA for analytical purposes and is not necessarily a preferable outcome by BLM. We have rewritten this paragraph to clarify what could be expected under the no action alternative. Under the no action alternative, we assume that Cana Island would continue to attract a certain number of visitors a year, even if there are no interpretive programs on-site. It may be true that the island would cease to be portrayed in tourist publications for Door County and the state, which would reduce the number of people visiting the area.

BLM has no control over the road, but could post signs to keep people away from the island, but we believe that would be of limited utility. It is reasonable to assume that under this scenario, impacts could be worse because there would be no on-the-ground presence.

**Page 49**: Define “surface tract”.

Response 32: This term was used in the original 1985 plan for Wisconsin and was not used in this plan amendment. It is defined as lands in which the BLM manages both the surface and subsurface estates. It is intended to differentiate lands in which BLM has a management responsibility over only the mineral or subsurface estate. In the eastern United States, BLM is responsible for leasing the minerals beneath other agencies’ land, and some state-owned surface lands and tracts owned by private parties. The proposed plan did not make any decisions affecting federally-owned minerals.

**Maps 4 and 5**: The map is not accurate and has confusing lines

Response 33: The maps will be corrected to make them more accurate and less confusing.

**Page 51**: Include an abbreviation for the U.S. Fish and Wildlife Service.

Response 34: USFWS was used as the abbreviation for the U.S. Fish and Wildlife Service.

## Appendix 5 - Implementation Plan

Plan implementation will require completing many connected and sequential actions. This section describes these actions generally for all tracts and specifically for each parcel. There is no time-table for completing the actions. Due to budgetary constraints, it is necessary to place priorities on which properties should receive the earliest attention for processing. To this end, the priorities are as designated as **A**, **B**, **C**, with “**A**” designations receiving the top priority and “**C**” the lowest.

For some of the parcels, BLM may need to conduct additional studies or undertake negotiations with affected parties to resolve issues identified during the implementation phase. It is BLM’s intent, however, to divest itself of these properties as quickly as possible.

All actions will be preceded by publication of a classification order to be published in the Federal Register before BLM can make the land available for transfer. For the lighthouse properties, BLM will publish a public land order (PLO) in the Federal Register to restore the land to the operation of the public land laws. The PLO will enable another federal agency to take over jurisdiction of the land or allow BLM to transfer the land to a non-federal entity. All PLO’s must be signed by the Assistant Secretary of the Interior.

	<b>Additional Studies/Actions Prior to Final Decision</b>
<b>Bayfield County</b>	
Perry Lake  <b>Priority C</b>	1. Request application(s) 2. Sec. 106 (National Historic Preservation Act) Consultation 3. Sec. 7 (Endangered Species Act) Consultation 4. Environmental Assessment (EA) 5. Appraisal 6. Complete realty actions
Lake Osborn  <b>Priority C</b>	1. Request application(s) 2. Sec. 106 Consultation 3. Sec. 7 Consultation 4. EA 5. Appraisal 6. Complete realty actions

<b>Door County</b>	
<p>Canan Island</p> <p><b>Priority A</b></p>	<ol style="list-style-type: none"> <li>1. Request application(s)</li> <li>2. Transportation/Access Plan</li> <li>3. Archaeological Survey</li> <li>4. Sec. 106 Consultation</li> <li>5. Sec. 7 Consultation</li> <li>6. Hazardous materials clearance</li> <li>7. EA</li> <li>8. Complete realty actions</li> </ol>
<p>Eagle Bluff</p> <p><b>Priority B</b></p>	<ol style="list-style-type: none"> <li>1. Request application(s)</li> <li>2. Archaeological Survey</li> <li>3. Sec. 106 Consultation</li> <li>4. Sec. 7 Consultation (?)</li> <li>5. EA</li> <li>6. Complete realty actions</li> </ol>
<p>Pilot Island</p> <p><b>Priority B</b></p>	<ol style="list-style-type: none"> <li>1. Request application(s)</li> <li>2. Archaeological Survey</li> <li>3. Sec. 106 Consultation</li> <li>4. Sec. 7 Consultation</li> <li>5. EA</li> <li>6. Complete realty actions</li> </ol>
<p>Plum Island</p> <p><b>Priority A</b></p>	<ol style="list-style-type: none"> <li>1. Request application(s)</li> <li>2. Archaeological Survey</li> <li>3. Sec. 106 Consultation</li> <li>4. Sec. 7 Consultation</li> <li>5. EA</li> <li>6. Complete realty actions</li> </ol>
<p><b>Langlade County</b></p> <p><b>Priority C</b></p>	<ol style="list-style-type: none"> <li>1. Phase I Cultural Resources Assessment</li> <li>2. Sec. 106 Consultation</li> <li>3. Sec. 7 Consultation</li> <li>4. EA</li> <li>5. Appraisal</li> <li>6. Complete realty actions</li> </ol>
<p><b>Oneida County</b></p> <p><b>Priority C</b></p>	<ol style="list-style-type: none"> <li>1. Sec. 106 Consultation</li> <li>2. Phase I Cultural Resources Assessment</li> <li>3. Sec. 7 Consultation</li> <li>4. EA</li> <li>5. Complete realty actions</li> </ol>

<b>Vilas County</b>	
Lily Lake  <b>Priority C</b>	1. Phase I Cultural Resources Assessment 2. Sec. 106 Consultation 3. Sec. 7 Consultation 4. EA 5. Appraisal 6. Complete realty actions
Pickrel Lake  <b>Priority C</b>	1. Phase I Cultural Resources Assessment 2. Sec. 106 Consultation 3. Sec. 7 Consultation 4. EA 5. Appraisal 6. Complete realty actions
<b>Waupaca County</b>  <b>Priority C</b>	1. Phase I Cultural Resources Assessment 2. Sec. 7 Consultation 3. EA 4. Appraisal 5. Complete realty actions

Table 3. Implementation plan actions.

**Notes:** As requested by the State Historic Society of Wisconsin (SHSW), Phase I cultural resource assessments and archaeological surveys are required by the National Historic Preservation Act (NHPA) on proposed transfers of land from Federal ownership. If it is determined that a particular tract is suitable for transfer through a withdrawal to another Federal agency this requirement will be waived. For tracts that may be transferred to State or local government agencies, BLM will conduct the surveys and use the information accordingly in its decision making process regarding the disposition of the tract. Cultural resource surveys may also be conducted on tracts identified for sale, but the cost may need to be borne by applicants.

BLM will continue to engage the SHSW and Native American Tribes in discussions with respect to our responsibilities under the Native American Graves Protection and Repatriation Act, the American Indian Religious Freedom Act, the Archaeological Resource Protection Act and the NHPA.

BLM will ensure that eligible or potentially eligible historic properties receive adequate protection under the NHPA. Any transfers of historic properties will carry with them certifiable guarantees that the properties are preserved in place. To avoid adverse effects to the properties, BLM will require potential recipients (and any third-party lessees) to file a preservation plan developed pursuant to the National Park Service's Historic Surplus Program. The preservation plan will have three components: (1) an Architectural Plan; (2) a Use Plan; and (3) a Financial Plan.

The SHSW has requested that BLM survey and evaluate under 36 CFR 800.4 Cana, Plum and Pilot Islands for possible inclusion into historic districts.

BLM will enter into Section 7 of the Endangered Species Act (ESA) consultations with the USFWS on tracts that may have suitable habitat for the occurrence of listed or potentially eligible threatened or endangered (T&E) plant and animal species. This consultation will occur *after* BLM receives applications for the properties as it would enable the government to determine what, if any, mitigation would be necessary to protect T&E species based on the proposed use. BLM will not sell or transfer properties before this consultation is completed.

All of the properties will, at a minimum, have site clearances conducted under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended. Some of the sites, notably Plum and Pilot Islands, have had environmental site assessments conducted already and are awaiting remediation from the toxic materials found on-site.

As noted in response 9 in Appendix 4, Cana Island has a minor contamination problem which may affect its groundwater supply. The Coast Guard is reviewing the State of Wisconsin's recommendation to add a deed restriction on groundwater use. A scheduled clean up at the island would occur in 2001, if the Coast Guard decides not to accept the deed restriction.

BLM will prepare site-specific environmental assessments (EAs) prior to issuing decisions on the disposition of the properties. The proposed actions for these EAs will be linked to external proposals from other Federal agencies, State and local governmental agencies and individuals. BLM will accept applications from only those entities and individuals deemed appropriate in this plan (see Table 2).

Appraisals to determine fair market value will be conducted only after it has been determined that a particular parcel is approved for sale. Thus, even if an appraisal is noted for a particular tract, that should not be construed as meaning the property will be sold, only that if it is sold an appraisal must first take place.

This list of administrative actions is not exhaustive. The results of consultations and the studies and surveys noted may require additional work, such as archaeological digs or other information gathering.



## **Glossary/Abbreviations**

ACEC	Area of critical environmental concern
AIRFA	American Indian Religious Freedom Act of 1978, as amended (42 U.S.C. 1996)
ARPA	Archaeological Resources Preservation Act of 1979 (16 U.S.C. 470)
BCPL	Board of Commissioners of Public Lands (State of Wisconsin)
BER	Bureau of Endangered Resources (Wisconsin DNR)
BIA	Bureau of Indian Affairs
BLM	Bureau of Land Management
CEQ	Council on Environmental Quality
CERCLA	Comprehensive Environmental Response Compensation, and Liability Act of 1980, as amended (42 U.S.C. 9615)
CFR	Code of Federal Regulations
COT	Color-of-Title (Act of December 22, 1928, as amended; 43 U.S.C. 1068)
CZMA	Coastal Zone Management Act of 1972 (16 U.S.C. 1451)
DNR	Department of Natural Resources (State of Wisconsin)
DR	Decision Record
EA	Environmental Assessment
ESA	Endangered Species Act of 1973 (16 U.S.C. 1531 seq.)
FLPMA	Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1701)
FMV	Fair market value
FONSI	Finding of No Significant Impact
FR	Federal Register
NAGPRA	Native American Graves Protection and Repatriation Act (25 U.S.C. 3001)
NEPA	National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321)
NHPA	National Historic Preservation Act of 1966, as amended (16 U.S.C. 470)
NWR	National Wildlife Refuge
PSD	Prevention of Significant Deterioration
R+PP	Recreation and Public Purposes Act of 1926, as amended (43 U.S.C. 869)
RMP	Resource Management Plan
SHSW	State Historical Society of Wisconsin
USCG	United States Coast Guard
USDA	United States Department of Agriculture
USFWS	U.S. Fish and Wildlife Service

